

EXHIBIT 12

From: Malynn, Todd M.
Sent: Wednesday, March 26, 2025 4:18 PM
To: 'Murphy, Michael D.'; Beral, Arash
Cc: 'Zolliecoffer, Jordan'; 'James, Pauletta'
Subject: RE: Rule 12

Mike,

As stated on the call, I am documenting the unfair prejudice and delay Plaintiff is engaging in and am writing to confirm that (a) you have not produced documents as agreed and ordered, (b) you have not circulated the protected order as agreed and directed (you promised again to do that immediately), (c) you have refused to provide search terms used to gather documents, (d) you have refused to use the actual document requests as search terms, (e) you have refused to meet and confer on search terms today, (f) you have refused to meet and confer on Defendant's 2nd set of discovery, and (e) you have refused to meet at Blank Rome's offices tomorrow to confer on these issues as previously agreed. You stated you would email me later today with your availability tomorrow to meet and confer remotely or at your office on Defendants' issues.

The time spent today was on Rule 12 issues (please send me the promised authorities) then filibustering by going beyond raising issues for the first time (as you refused to provide us a meet and confer letter) for our consideration. As I said, I will discuss the issues raised and your authorities, discuss them with Arash and, if necessary, our client, then try to narrow them so as to avoid unnecessary motion practice, including with a requested amended pleading. After running the clock by continually challenging positions of which you were fully aware and as to which you knew no one was going to change their mind on issues already briefed and pending before the Ninth Circuit on a phone call with no advance notice. You created a need to get off the phone so as not to meet and confer on anything other than Rule 12. It was transparent.

Regards,
Todd

Todd M. Malynn | BLANKROME

2029 Century Park East | 6th Floor | Los Angeles, CA 90067

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From: Malynn, Todd M.
Sent: Wednesday, March 26, 2025 1:54 PM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>; Beral, Arash <arash.beral@blankrome.com>
Cc: Zolliecoffer, Jordan <JZolliecoffer@foxrothschild.com>; James, Pauletta <PJames@foxrothschild.com>
Subject: RE: Rule 12

Michael,

The sequence is immaterial, and has always been immaterial. Happy to start with learning to what you are objecting before next items.

Regards,
Todd

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From: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Sent: Wednesday, March 26, 2025 1:19 PM

To: Malynn, Todd M. <Todd.Malynn@BlankRome.com>; Beral, Arash <arash.beral@blankrome.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; James, Pauletta <PJames@foxrothschild.com>

Subject: RE: Rule 12

Todd:

I sent a link for a video meeting for 2 pm. Please note, we will first be discussing our Rule 12 motion. If you attempt to meet and confer about anything else before we complete the Rule 12, we will you deem your clients as refusing to meet and confer pursuant to LR 7-3, as that is the only meet and confer rule requiring a face to face. Also, we asked for that meet and confer before anything else on our list of issues to discuss.

Part of that discussion will include a discussion of the hearing date because we will need an order permitting the filing of a pleading challenge to be filed after the motion cutoff. Obviously, this is absurd, but now that you have retracted your request to modify the trial calendar, I guess we must go in ex parte. But I will need your agreement at least on this motion.

We can then discuss documents, discovery, and fees.


I would like to also discuss the new violation of the injunction. That was ordered to be resolved this week.


Mike



Michael Murphy

Partner

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From: Malynn, Todd M. <Todd.Malynn@BlankRome.com>
Sent: Wednesday, March 26, 2025 10:51 AM
To: Murphy, Michael D. <mdmurphy@foxrothschild.com>; Beral, Arash <arash.beral@blankrome.com>
Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; James, Pauletta <PJames@foxrothschild.com>
Subject: [EXT] RE: Rule 12

Michael,

I was in the office yesterday but not today. Please confirm that and when Plaintiff is going to comply with the Magistrate Judge's order and produce documents and a list of search terms for our review and comment.

I am available today to meet and confer remotely before 3:00 pm on Plaintiff's failure to comply, on the issues we raised regarding Plaintiff's responses to our 2nd set of discovery, to hear your concerns regarding a motion for judgment on the pleadings, and on any other issue you want to raise. Please confirm that you will be so prepared and what time works for you.

Regards,
Todd

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From: Murphy, Michael D. <mdmurphy@foxrothschild.com>
Sent: Wednesday, March 26, 2025 10:24 AM
To: Malynn, Todd M. <Todd.Malynn@BlankRome.com>; Beral, Arash <arash.beral@blankrome.com>
Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; James, Pauletta <PJames@foxrothschild.com>
Subject: Rule 12


Todd / Arash:


What is your availability today before 3 pm to meet and confer as to our Rule 12 Motion?



Michael Murphy

Partner

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